

**MONTANA FIRST JUDICIAL DISTRICT  
COURT RULES**

**LEWIS & CLARK AND BROADWATER COUNTIES**

**Rule 1 - Application of Rules**

The First Judicial District is comprised of Lewis and Clark County and Broadwater County. Except where otherwise indicated, these rules apply to all cases filed in either county.

These rules supplement the Montana Rules of Civil Procedure and the Montana Uniform District Court Rules. All prior rules issued by the First Judicial District Court are rescinded and these rules substituted therefore.

**Rule 2 - Departments of the District Court**

**A. Lewis and Clark County:**

In Lewis and Clark County, the Court is divided into four departments:

**Department No. 1:** Honorable Mike Menahan presiding. Criminal law and motion -- Wednesdays at 9:00 a.m. Uncontested probate and other civil matters -- Thursdays at 1:30 p.m.

**Department No. 2:** Honorable DeeAnn Cooney presiding. Criminal law and motion -- Thursdays at 9:00 a.m.

**Department No. 3:** Honorable Kathy Seeley presiding. Criminal law and motion -- Thursdays at 1:30 p.m. Youth court law and motion -- Wednesdays at 3:00 p.m. Uncontested civil matters -- Thursdays at 8:30 a.m.

**Department No. 4:** Honorable James P. Reynolds presiding. Criminal law and motion -- Thursdays at 10:30 a.m. Treatment Court -- Mondays at 2:00 p.m. Uncontested civil matters -- Thursdays at 1:30 p.m. Broadwater County law and motion -- Fridays at 9:00 a.m.

The courtrooms will be assigned according to seniority.

**B. Broadwater County:**

Broadwater County B Honorable James P. Reynolds presiding.

**Rule 3 - Chief Judge:**

The position of Chief Judge is assumed for a calendar year in rotating order as follows: Department No. 1 - 2016 ; Department No. 2 - 2019; Department No. 3 - 2017; and Department No. 4 - 2018.

**Rule 4 - Assignment/Designation of Cases**

**A. Assignment of Cases**

In Lewis and Clark County, all probate cases are assigned to Judge Menahan; all youth court cases are assigned Judge Seeley; and all treatment court cases are assigned to Judge Reynolds. Guardianship cases are assigned to Judge Cooney in odd-numbered years and to Judge Reynolds in even-numbered years. Probate cases are assigned to Judge Menahan. All other cases are assigned at random.

In Broadwater County, Judge Reynolds will hear all matters scheduled.

**B. Designation of Cases**

All cases are designated by numbers and letters as follows:

Lewis and Clark County cases assigned to: Judge Menahan=s are designated by first letter A; Judge Cooney's are designated by first letter B; Judge Seeley=s are designated by first letter C; and Judge Reynolds= are designated by first letter D. Broadwater County cases will not be assigned this initial letter.

The second and third letters (first and second letters in Broadwater County) indicate the general nature of the case, followed by four digits indicating the year in which the case was filed, followed by a number assigned in chronological order to causes filed in that category in that year. For example:

District Criminal = DC-2013-01

District Domestic Relations = DR-2013-02

District Civil = DV-2013-03

District Guardianship/Conservatorship/Trusts= DG-2013-04

District Probate = DP-2013-05

District Adoptions = DA-2013-06

Dependent/Neglect = DN-2013-07

District Juvenile = DJ-2013-08

District Treatment Court = TE-2013-09

District Family (Paternity) = DF-2013-10

District Mental Health = DI-2013-11

District Process Server = DS-2013-12

District Develop. Disabled Commitment = DD-2013-13

Marriage License = DL-2013-14

Investigative Subpoena = IS-2013-15

Search Warrants = SW-2013-16

Special Book (miscellaneous orders, jury lists, etc.) = SB-2013-16

If an out-of-town judge assumes a case, the case remains assigned to the original department but the case number will be preceded by an AX@ (i.e., XBDV-2013-116).

#### **C. DI or DD Cases**

All DI or DD matters shall be filed under seal. The respondent, the respondent's attorney, the county attorney, and all court personnel are allowed access to the DI or DD files without specific authorization from the Court. Any other access to DI or DD files will only be made with specific authorization from the Court.

### **Rule 5. Pleadings/Briefs**

#### **A. Length**

Pleadings/briefs, except initial pleadings, in all cases shall be limited to 20 pages, not including attachments. Additional pages may be filed only with leave of the court and with good cause showing.

**B. Form of Briefs:**

Please refer to the Uniform District Court Rules, Rule 1, except that the font size shall be no smaller than 12 point.

**C. Citations**

The First Judicial District Court follows the uniform system of citation in the most current edition of the ALWD CITATION MANUAL, for citing case law. For citations to Montana Supreme Court cases issued after 1998, see *Matter of Opinion Forms and Citation Standards* (Dec. 16, 1997) 54 St. Rep. 1357; amended by *Matter of Amending Citation Standards for MT Supreme Court*, Rule AF 07-0064 (Jan 22, 2009); amended by *Matter of Opinion Forms and Citation Standards of the Supreme Court of Montana* (Feb. 25, 2010).

**D. Motions**

All motions, except for motions for summary judgment, shall include a proposed order with copies and addressed envelopes for all counsel of record.

**E. Motions and Briefs to be Filed Separately**

All motions and briefs are to be filed as separate documents, and each document shall be clearly labeled in the caption. Failure to file briefs and motions separately will result in the return of the unfiled documents.

**F. Notice of Submittal**

When any motion has been fully briefed and oral argument has been held (if requested), the movant shall advise the Court by filing and serving a Notice of Submittal. Until such notice has been filed and served, the motion will not be deemed submitted for decision.

**G. Motions to Continue**

Motions to continue must be in writing.

#### **H. Motions to Extend Scheduling Orders**

Motions to extend deadlines in scheduling orders must include a statement of when trial is scheduled.

#### **I. Filing Deadlines**

Filing and scheduling order deadlines will be strictly adhered to unless a written motion for an extension has been received and approved by the Court.

#### **J. Fax and Email Filings**

Documents may be submitted for filing by email or facsimile. Documents submitted by email must be emailed to [clerkofcourt@lccountymt.gov](mailto:clerkofcourt@lccountymt.gov), and those submitted by facsimile must be faxed to (406) 447-8275. A hard copy original must be provided as indicated in section iii below.

The following guidelines must be followed:

- i. All documents must be properly signed and dated.
- ii. Email documents must be in a PDF format and submitted as an attachment to an email.
- iii. A hard copy original of a faxed or emailed document must be provided within five business days.
- iv. The Clerk of Court shall print, date stamp, and file the email or fax. The hard copy original shall be filed upon receipt. When the original has been filed, the first page of the fax or email, reflecting the date filed, will be retained. The remainder of the fax or email may be discarded by the Clerk of Court.

#### **K. Copies of Court Documents**

When a Montana attorney is associating with an out-of-state attorney who is appearing *pro hac vice* on a Montana case, orders/notices from the District Court will be mailed to in-state counsel only, with few exceptions.

## **Rule 6. Specific Trial/Hearing Conduct**

- A. If a party is represented by more than one attorney, only one of the attorneys may question a specific witness.
- B. If a party is represented by more than one attorney, and one of those attorney objects to a line of questioning, then only that objecting attorney may cross-examine the witness.
- C. Attorneys must request permission of the Court to approach witnesses.
- D. If a document is presented during trial/hearing, copies of the document must be presented to the judge and to opposing counsel.
- E. Jury trials are normally scheduled to begin on Monday mornings at 9:00 a.m. All settlement negotiations should be completed by 4:00 p.m. the preceding Friday. Failure to comply with this rule may result in the imposition of sanctions in appropriate circumstances.
- F. Attorneys/clients shall not keep the Court waiting, but shall appear at the scheduled time ready to proceed.

## **Rule 7. Court Security - Potentially Violent Situations; Duty of Party**

In any case where a party believes that a potentially violent situation may arise, that party, through counsel or *pro se*, shall notify the assigned judge and/or court bailiff sufficiently in advance so that appropriate security measures can be taken.

Amended \_\_\_\_\_

Effective January 2, 2016

\_\_\_\_\_  
KATHY SEELEY  
District Court Judge

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JAMES P. REYNOLDS  
District Court Judge

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MIKE MENAHAN  
District Court Judge

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DEEANN COONEY  
District Court Judge